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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

JASWINDER SINGH,	)	
	)	No. C 07-3584 SI
Plaintiff,	)	
	)	
v.	)	<b>ANSWER</b>
	)	
EMILIO T. GONZALEZ, Director, United States	)	
Citizenship and Immigration Services,	)	
	)	
Defendant.	)	

Defendant hereby submit his answer to Plaintiff's Complaint for Declaratory Judgment and Injunction.

1. Paragraph One consists of Plaintiff's allegation regarding jurisdiction, to which no responsive pleading is required; however, to the extent a responsive pleading is deemed necessary, Defendant denies the allegations in this paragraph.

2. Defendant admits the allegations in Paragraph Two.

3. Defendant admits the allegations in Paragraph Three.

4. Defendant admits the allegations in Paragraph Four.

5. Defendant admits the allegations in Paragraph Five.

6. Defendant admits the allegations in Paragraph Six.

7. Defendant admits the allegations in Paragraph Seven.

ANSWER  
 C07-3584 SI

8. Defendant admits the first sentence in Paragraph Eight; however, Defendant denies the second sentence. Defendant admits the third sentence in Paragraph Eight but note that the published processing times are for routine cases only. Defendant denies the last sentence in this Paragraph.

9. Defendant admits the allegations in Paragraph Nine.

10. Defendant admits the allegations in Paragraph Ten.

11. Defendant denies the allegations in Paragraph Eleven.

The remaining allegations consist of Plaintiff's prayer for relief, to which no admission or denial is required; to the extent a responsive pleading is deemed to be required, Defendant denies this paragraph.

#### **FIRST AFFIRMATIVE DEFENSE**

The court lacks jurisdiction over the subject matter of this action.

#### **SECOND AFFIRMATIVE DEFENSE**

The Complaint fails to state a claim against the Defendant upon which relief can be granted.

#### **THIRD AFFIRMATIVE DEFENSE**

No acts or omissions by the United States or its employees were the proximate cause of any injury or damages to the Plaintiff.

#### **FOURTH AFFIRMATIVE DEFENSE**

At all times alleged in the complaint, Defendant was acting with good faith, with justification, and pursuant to authority.

#### **FIFTH AFFIRMATIVE DEFENSE**

Defendant is processing the application referred to in the Complaint to the extent possible at this time. Accordingly, no relief as prayed for is warranted.

#### **SIXTH AFFIRMATIVE DEFENSE**

Defendant's delay is not unreasonable as a matter of law.

WHEREFORE, Defendant prays for relief as follows:

That judgment be entered for Defendant and against Plaintiff, dismissing Plaintiff's complaint with prejudice; that Plaintiff takes nothing; and that the Court grant such further relief as it deems

1 just and proper under the circumstances.

2 Dated: September 10, 2007

Respectfully submitted,

3 SCOTT N. SCHOOLS  
4 United States Attorney

5 /s/

6 ILA C. DEISS  
7 Assistant United States Attorney  
8 Attorneys for Defendant  
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